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**5<sup>TH</sup> SANGGUNIANG PANLUNGSOD**

**CITY ORDINANCE NO. 19, S-2021**

**AN ORDINANCE ENACTING THE PROHIBITED AND DANGEROUS DRUGS CODE OF BAYBAY CITY**

Authored by: RODOLFO S. PALMA

**PREFATORY STATEMENT**

Whereas, it is the policy of the State to promote and protect the welfare and well-being of its constituents against the harmful effects of dangerous drugs which poses a serious threat to the collective development of the country;

Whereas, Section 16 of the Local Government Code of 1991 provides that local government units shall pursue plans to improve public morals, and maintain peace and order;

Whereas, the DILG issued MC No. 2009-09 which underscores the primary responsibility of local authorities in addressing dangerous and prohibited drugs in their jurisdiction;

Whereas, the city government of Baybay is an active participant in waging an unrelenting campaign against prohibited and dangerous drugs;

Whereas, Baybay City established Bahay Silangan, the operations of which is administered by the PDEA, and the Day-Time Therapeutic Center, as its primary treatment and rehabilitation arms against drug abuse;

Whereas, the city recognizes the importance of RA No. 9165 and related issuances from various agencies in addressing the problem of dangerous drugs;

Whereas, to further enhance the ordinances and executive orders enacted/issued by the city concerning prohibited drugs and other substances, which includes the following:

**Dangerous Drugs Ordinances**

a. Ordinance No. 20, series of 2017

"An Ordinance Establishing The Administrative Process Of Declaring A Proven Drug Den As A Public Nuisance, Creating The Administrative Board To Hear And Enforce The Process Of Abatement And To Appropriate The Funds For Its Implementation"

b. Ordinance No. 6, series of 2008

"An Ordinance Instituting the Comprehensive Drug Ordinance of the City Of Baybay and Amending the Anti-Illegal Drugs Ordinance of 2003"

c. Ordinance No. 3, series of 2003

"An Ordinance Requiring All Public and National Officials and Employees Stationed In the Municipality to Undergo Random Drug Test"



- d. Ordinance No. 5, series of 2002  
"An Ordinance Prohibiting Any Person from Sniffing Rugby, Solvents or Similar Substances and Regulating the Sale Of Said Substances in All Business Establishments in Baybay"
- e. Ordinance No. 93-023  
"An Ordinance Regulating the Use of Over-The-Counter (OTC) Drugs, Such As Cough Preparations and Similar Pharmaceutical Preparations Subject To Abuse, As Well As Volatile Substances and Prescribing Penalties Thereof"
- f. Ordinance No. 93-022  
"An Ordinance Regulating the Sale of Nubain, Tramal and Stadol within the Municipality Of Baybay"
- g. Ordinance No. 93-021  
"An Ordinance Creating a Committee against Substance Abuse under the SK and Its Federation in Baybay, Leyte"

Whereas, Section 41 Article IV of the Dangerous Drugs Act of 2002 (RA 9165) recognizes the role of the family being the basic unit of the Filipino society which has the primarily responsibility of educating the members of the family on the ill effects of dangerous drugs and close monitoring of family members who may be susceptible to drug abuse.

Whereas, said Section 41 also recognized the need of integrating valuable instructions and information on drug abuse prevention and control in the elementary, secondary and tertiary curricula of all public and private schools, whether general, technical, vocational or agro-industrial as well as in non-formal, informal and indigenous learning systems, with the view that all school heads, supervisors and teachers ensure a drug free educational environment for all.

Whereas, Section 47 of RA 9165 also deemed it a policy of the State to promote drug-free workplaces, and develop, promote and implement a national drug abuse prevention program in the workplace to be adopted by private companies with ten (10) or more employees through relevant programs that include the mandatory drafting and adoption of company policies against drug use in the workplace.

Whereas, in light of the persistent problems and continuing concerns, there is a perceived need to strengthen and codify the existing local legislations and issuances to ensure a Baybay City free of dangerous drugs.

NOW THEREFORE, on motion of Honorable Rodolfo S. Palma Jr., and duly seconded by Honorable Mark Michael O. Unlu-cay;

BE IT ORDAINED, by the 5<sup>th</sup> Sangguniang Panlungsod, this city, in 21<sup>st</sup> Regular Session assembled on May 27, 2021, as hereby is adopted, to wit:

## ARTICLE I GENERAL PROVISIONS

**Section 1. Title.** This Ordinance shall be known as the "**Prohibited and Dangerous Drugs Code of Baybay City.**"

**Section 2. Declaration of Policy.** It is the policy of the State to promote and protect the welfare and well-being of the citizenry.

The city government, cognizant of this mandate and the threat posed by prohibited and dangerous drugs, must institute mechanisms and infrastructures to mitigate its effect in the workplaces and the community, and to ensure the faithful and strict implementation of all drug-related laws, rules and regulations. Consequently, the city absolutely



prohibits the use of dangerous and prohibited drugs in and outside of the office by all officials and employees of the city government including those of the ninety-two (92) barangays. This prohibition, by virtue of Ordinance Nos. 06, series of 2008 and 03, series of 2003, extends as well to all officials and workers of all business establishments in the city.

**Section 3. Definition of Terms.** Consistent with RA 9165, and unless defined otherwise, the itemized terms shall be construed to have the following meaning(s):

- a. Accreditation – a formal authorization issued by the Department of Health and other National Government Agencies to an individual, partnership, corporation or association in compliance with all licensing and accreditation requirements.
- b. Administer – an act of introducing any dangerous drug into the body of any person, with or without their knowledge, by injection, inhalation, ingestion, or other means, or committing any act of indispensable assistance to a person administering a dangerous drug to themselves unless administered by a duly licensed practitioner for the purpose of medication.
- c. ASSIST – Alcohol, Smoking and Substance Involvement Screening Test (ASSIST) is an eight-item test developed by the World Health Organization (WHO) to be used in primary health care settings where harmful substance use often go undetected.
- d. Authorized Drug Test – the testing done by any government forensic laboratories or by any of the drug testing laboratories accredited and monitored by the DOH to safeguard the quality of the results. It shall employ, among others, two (2) testing methods, screening and confirmatory tests. The examination of a person's urine specimen to determine the presence of any dangerous drugs shall be done by any government forensic laboratories or by any of the drug testing laboratories accredited and monitored by the DOH;
- e. BCADAC – Baybay City Anti-Drugs Abuse Council
- f. Confirmatory Test – an analytical test using a device, tool or equipment with a different chemical or physical principle that is more specific which shall validate and confirm the result of the screening test.
- g. Controlled Precursor and Essential Chemicals – include those listed in Table I and II of the 1998 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances as enumerated in the attached Annex, which is an integral part of this Code.
- h. Dangerous Drugs – included those listed in the Schedules annexed to the 1961 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, and in the Schedules Annexed to the 1971 Single Convention on Psychotropic Substances as enumerated in the attached annex which is an integral part of this Code.
- i. Deliver – Any act of knowingly passing a dangerous drug to another, personality or otherwise, and by any means, with or without consideration.
- j. Den – A place where any dangerous drugs and/or controlled precursor and essential chemical is administered, delivered, stored for illegal purposes, distributed, sold or used in any form.
- k. Dispense – an act of giving away, selling or distributing medicine or any dangerous drug with or without the use of prescription.
- l. Illegal Trafficking – the illegal cultivation, culture, delivery, administration, dispensation, manufacture, sale, trading, transportation, distribution, importation, exportation and possession of any dangerous drugs and/or controlled precursor and essential chemical.
- m. Instrument – anything that is used in or intended to be used in any manner, in the commission of illegal drug trafficking and/or related offenses.
- n. Laboratory Equipment – the paraphernalia, apparatus, material or materials when used, intended for use or designated for use in the manufacture of any dangerous drug and/or controlled precursor and essential chemical, such as



reaction vessel, preparative/purifying equipment, fermenters, reparatory funnel, flask, heating mantle, gas generator or their substitute.

- o. Manufacture – the production, preparation, compounding or processing of any dangerous drug and/or controlled precursor and essential chemical, whether directly or indirectly or by extraction from the substances of natural origin, of independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, and shall include any packaging and repackaging of such substances, design or configuration of its form, or re-labelling of its container, except that such terms do not include the preparation, compounding, packaging or labeling of a drug or substances by a duly authorized practitioner as an incident to their administration or dispensation of such drug or substance in the course of their professional practice including research. Teaching and chemical analysis of dangerous drugs or such substances that are not intended for sale or for any other purpose.
- p. Philippine Drug Enforcement Agency (PDEA) – refers to the implementing arm of the Dangerous Drug Board (DDB), the government's policy-making and strategy formulating body in the planning and formulation of policies and programs on drugs prevention and control.
- q. Person – any entity, natural or juridical, including among others, a corporation, partnership, trust or estate, joint stock company, association, syndicate, joint venture, or other unincorporated organization or group capable or acquiring rights or entering into obligations.
- r. Pusher – any person who sells, trades, administers, dispenses, delivers or gives away to another, on any terms whatsoever, or distributes, dispatches in transit or transports dangerous drugs or who acts as a broker in any such transactions, in violation of this Code.
- s. Random Drug Testing – is the conduct of a drug test, using approved methodologies, the timing of which is not announced, or is unknown to a PWUD.
- t. Rehabilitation – a dynamic process or intervention emphasizing on aftercare and follow up treatment, directed towards attaining change in physical, psychological, social and spiritual life of the PWUD.
- u. Rehabilitation Center – refers to the treatment and rehabilitation center for drug dependents.
- v. Rugby – refers to the common market name of a liquid chemical compound used as adhesive in making, repairing shoes, furniture and other purposes with an odor akin to petroleum products which can alter the state of mind when sniffed.
- w. Screening – is a process of identifying presence of problems related to substance use and indicates series that are needed.
- x. Sell – an act of giving away any dangerous drug and/or controlled precursor and essential chemical whether for money or any other consideration.
- y. Solvent – is a liquid or gas that dissolves a solid, liquid or gaseous solute, resulting in a solution. A solvent is a material, usually a liquid, which is capable of dissolving another chemical. Chemicals commonly called solvents can dissolve many different chemicals. Common solvents are water, ethanol, rugby, acetone, hexane and toluene.
- z. Trading – transactions involving the illegal trafficking of dangerous drugs and/or controlled precursors and essential chemicals using electronic devices such as, but not limited to, text messages, e-mail, mobile and landlines, two-way radios, internet, instant messengers and chat rooms or acting as a broker in any of such transactions whether for money or any other consideration in violation of this Code.
- aa. Use – any act of injecting intravenously or intramuscularly, or consuming, either by chewing, smoking, sniffing, eating, swallowing, drinking or otherwise